



The Prisons and Indian Lunacy (Tamil Nadu Amendment) Act, 1938

Act 14 of 1938

Keyword(s):

Central Act Amendment, Prisons Act, 1894, Prisoner, Escape or Attempt to Escape from Hospital or Asylum

Amendments appended: 5 of 1940, 18 of 1947, 19 of 1947

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

[TAMIL NADU] ACT No. XIV OF 1938*.

[THE PRISONS AND INDIAN LUNACY ([TAMIL NADU]
AMENDMENT) ACT, 1938.]

(Received the assent of the Governor-General on the
3rd October 1938; first published in the Fort. St.
George Gazette on the 25th October 1938.)

An Act further to amend the Prisons Act, 1894,
and the Indian Lunacy Act, 1912, in their
application to the [State of Tamil Nadu] for
certain purposes.

WHEREAS it is expedient further to amend the
Prisons Act, 1894, and the Indian Lunacy Act, 1912,
in their application to the [State of Tamil Nadu] for
the purposes hereinafter appearing; It is hereby
enacted as follows:—

1. This Act may be called the Prisons and Indian Lunacy ([Tamil Nadu] Amendment) Act, 1938. Short title.

2. After section 39 of the Prisons Act, 1894, the following section shall be inserted, namely:— Insertion of new section 39-A in Central Act IX of 1894.

“39-A. The Superintendent may, if in his opinion, a prisoner requires special treatment in a hospital outside the prison or in an asylum as defined in the Indian Lunacy Act, 1912, send him to such hospital or asylum subject to the prisoner or any relative or friend of the prisoner executing such bond for special treatment. Power of Superintendent to send a prisoner to hospital or asylum for special treatment.

* These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 19th July 1938—Part IV, pages 136-137.

* This expression was substituted for the expression “Province of Madras” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

and abiding by such other conditions, if any, as the [State] Government may by rule or order prescribe. Any period during which the prisoner is undergoing treatment in such hospital or asylum or spent by him in going thereto or returning therefrom shall be deemed to be part of the period of his detention in the prison.

Explanation.—Nothing contained in this section shall be deemed to affect the operation of section 30 Central Act, III of the Prisoners Act, 1900, in cases to which that of 1900. section applies.'

Amendment
of section 4,
Central
Act IV of
1912.

3. In sub-section (1) of section 4 of the Indian Central Lunacy Act, 1912, for the words and figures "save as Act, IV provided by sections 8, 16 and 98", the words, figures and letter "save as provided by sections 8, 16 and 98 of this Act and by section 39-A of the Prisons Central Act, IX of 1894" shall be substituted.

[TAMIL NADU] ACT No. V OF 1940.

[THE PRISONS(¹[TAMIL NADU] AMENDMENT) ACT, 1940]

(Received the assent of the Governor on the 2nd April 1940; first published in the Fort St. George Gazette on the 9th April 1940.)

An Act further to amend the Prisons Act, 1894, in its application to the ²[State of Tamil Nadu], for certain purposes.

Central Act IX of 1894. WHEREAS it is expedient further to amend the Prisons Act, 1894, in its application to the ²[State of Tamil Nadu], for the purposes hereinafter appearing; ³[It is hereby enacted as follows :—]

1. This Act may be called the Prisons Short title.
(¹[Tamil Nadu] Amendment) Act, 1940.

Central Act IX of 1894. 2. In section 39-A of the Prisons Act, 1894 (hereinafter referred to as the said Act), the Explanation shall be renumbered as Explanation I and the following shall be added as Explanation II, namely—

Amendment of section 39-A, Central Act IX of 1894.

“Explanation II.—In this section, ‘prisoner’ means a convicted criminal prisoner.”

¹ These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² This expression was substituted for the expression “Province of Madras” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

³ These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

Insertion of
new sections
39-B and
39-C in
Central Act
IX of 1894.

Punishment
for escape or
attempt to
escape from
hospital or
asylum.

3. After section 39-A of the said Act, the following sections shall be inserted, namely :—

"39-B. If any prisoner dealt with under section 39-A escapes or attempts to escape from the hospital or asylum to which he has been sent or when going thereto or returning therefrom, he shall be punished with imprisonment for a term which may extend to two years , or with fine, or with both.

The punishment under this section shall be in addition to the punishment for which the prisoner was liable for the offence of which he was already convicted.

Provisions
applicable
to bonds
referred to
in section
39-A.

39-C. The provisions of Chapter XLII of the Central Code of Criminal Procedure, 1898*, shall so far as Act V may be, apply to the bonds referred to in section 39-A". of 1898.

* See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), Chapter XXXIII.

¹[TAMIL NADU] ACT NO. XVIII OF 1947².

[THE PRISONS (¹[TAMIL NADU] AMENDMENT) ACT, 1947]

[Received the assent of the Governor on the 6th November 1947; first published in the Fort St. George Gazette, on the 11th November 1947.]

An Act further to amend the Prisons Act, 1894, in its application to the ³(State of Tamil Nadu).

WHEREAS it is expedient further to amend the Prisons ^{Central Act IX of 1894.} Act, 1894, in its application to the ³(State of Tamil Nadu), for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Prisons ¹([Tamil Nadu] Amendment) Act, 1947.

2. In the Prisons Act, 1894—

^{Central Act IX of 1894.}

(i) in section 46, proviso, the following words shall be added at the end, namely, “or render any prisoner on hunger-strike liable to whipping”;

(ii) in section 52, for the words and figures “sentence him to any of the punishments enumerated in section 46”, the words and figures “sentence him to any of the punishments to which he is liable under section 46” shall be substituted.

¹ These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 8th July 1947, Part IV-A, page 125.

³ This expression was substituted for the expression “Province of Madras” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

¹[TAMIL NADU] ACT NO. XIX OF 1947.²

[THE PRISONS (¹[TAMIL NADU] AMENDMENT NO. II)
ACT, 1947.]

[Received the assent of the Governor on the 7th November 1947 ; first published in the Fort St. George Gazette on the 11th November 1947.]

An Act further to amend the Prisons Act, 1894, in its application to the ³(State of Tamil Nadu).

Central Act IX of 1894. WHEREAS it is expedient further to amend the Prisons Act, 1894, in its application to the ³(State of Tamil Nadu), for the purpose hereinafter appearing; it is hereby enacted as follows :—

1. This Act may be called the Prisons (¹[Tamil ^{Short title}] Nadu] Amendment No. II) Act, 1947.

Central Act IX of 1894. 2. (1) In section 33 of the Prisons Act, 1894, for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) When a civil prisoner has been committed to prison by a Court in execution of any decree or order in favour of a private person, such person shall immediately deposit or cause to be deposited in Court, to meet the cost of the prisoner’s clothing and bedding, such amount as may be fixed by the Court in accordance with the rules, if any, made by the [State] Government in that behalf; and, in default of such deposit, the prisoner may be released.”

Amendment
of section 33,
Central
Act IX of
1894.

¹ These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 2nd September 1947, Part IV-A, page 138.

³ This expression was substituted for the expression “Province of Madras” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

⁴ This word was substituted for the word “Provincial” by the Adaptation Order of 1950.